

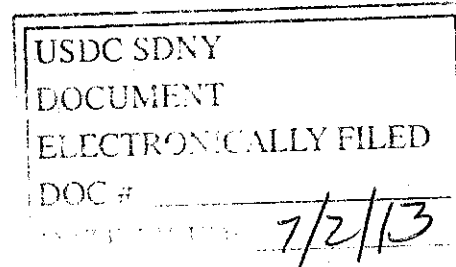
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June 28, 2013

**VIA HAND DELIVERY**

The Honorable Cathy Seibel  
United States District Judge  
The Hon. Charles L. Brieant Jr.  
Federal Building and U.S. Courthouse  
300 Quarropas St.  
White Plains, NY 10601-4150



**Re: *In re: Mirena IUD Products Liability Litigation*, 13-MD-2434 (CS)  
Joint Status Report and Proposed Agenda for July 2, 2013 Status Conference**

Dear Judge Seibel:

Pursuant to Order No. 3, the parties submit a joint status update and proposed agenda for the July 2, 2013 conference.

Since the initial status conference, the parties have had multiple discussions about the initial CMOs related to discovery and pleadings. The below chart sets forth the status of the parties' discussions of each issue.

Issue	Status
Protective Order	Bayer sent a proposed Protective Order to Plaintiffs on May 9, 2013. Plaintiffs sent their initial comments on May 24. Since then, the parties have exchanged multiple drafts and met and conferred, but have not yet reached agreement.
Document Production Protocol	Bayer sent a proposed Document Production Protocol to Plaintiffs on May 9, 2013. At Plaintiffs' request, Bayer sent its list of keyword search terms to Plaintiffs on May 15, 2013. Plaintiffs have informed Bayer that their ability to negotiate is hampered by the lack of a protective order. The parties will continue to negotiate in good faith and believe they can resolve this issue shortly after a protective order is in place.
Proper Party Stipulation and Proposed Order re: Service of Process	The parties have reached agreement on a proposed CMO relating to the proper defendant and service of process on Bayer.

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Direct Filing Provision	Bayer submitted proposed CMO language related to direct filing to the Court on May 10, 2013. There were several meet-and-confer telephone conferences between Plaintiffs and Bayer. In addition, Plaintiffs also had several discussions with Court personnel concerning the logistics of implementing direct filing in this District. Plaintiffs sent a counter-proposal to Bayer on June 23. Bayer sent its revisions to Plaintiffs on June 25. To date, there is no agreement.
Bayer Document Production	After the parties had several conversations about Bayer document production, Plaintiffs sent their initial proposal related to Bayer document production on June 7, 2013. The parties again conferred on June 12. Bayer sent a counter-proposal on June 25. The parties continue to meet and confer and hope to come to an agreement about the scope of Bayer's production of documents and data.
Plaintiff Fact Sheet and Defense Fact Sheet	Bayer sent a proposed Plaintiff Fact Sheet to Plaintiffs on May 15, 2013. The parties believe they can rapidly resolve this issue once a Plaintiffs' Steering Committee has been appointed.

**Proposed Agenda for July 2 Conference**

1. Proposed Plaintiffs' Steering Committee
2. Proper Party Stipulation and Proposed Order re: Service of Process
3. Protective Order
4. Direct Filing Provision
5. Document Production Protocol
6. Update on Discovery Discussions – including document productions and Fact Sheets
7. Timing of Consideration of *Baugh* Summary Judgment Motions
8. Scheduling Next Conference

Respectfully submitted,



Shayna S. Cook  
*Lead Counsel for Defendant*  
*Bayer HealthCare Pharmaceuticals Inc.*

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CC (via email):

Counsel for Plaintiffs Diogenes P. Kekatos, Fred Thompson, James R. Ronca, Matthew McCauley; and Counsel for Bayer Marie Woodbury, James Shepherd, William Harrington